

FILED

APR 07 2008

CLERK OF COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT EUGENE GERKIN

Plaintiff,

vs.

M.C. KRAMER, Warden,

Defendant.

CASE NO. _____

PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

JF

I, ROBERT E GERKIN, declare, under penalty of perjury that I am the **(PR)** plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ____ No ******

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: *** Net: ***

Employer: *** ***

*** ***

1 and wages per month which you received. (If you are imprisoned, specify the last place of
2 employment prior to imprisonment.)

3 Feb. 17th, 1995 (Gross per Month \$5,825.47.) (Net per Month \$3,722.31)

4 2610 El Camino Real, Santa Clara, California Ext. Meat Department

5 _____
6 2. Have you received, within the past twelve (12) months, any money from any of the following
7 sources:

8 a. Business, Profession or Yes ____ No **
9 self employment

10 b. Income from stocks, bonds, Yes ____ No **
11 or royalties?

12 c. Rent payments? Yes ____ No **

13 d. Pensions, annuities, or Yes ____ No **
14 life insurance payments?

15 e. Federal or State welfare payments, Yes ____ No **
16 Social Security or other govern-
17 ment source?

18 If the answer is "yes" to any of the above, describe each source of money and state the amount
19 received from each.

20 NONE

21 NONE

22 3. Are you married? Yes Yes No ____

23 Spouse's Full Name: Deborah Alley Gerkin

24 Spouse's Place of Employment: UN/KNOWN

25 Spouse's Monthly Salary, Wages or Income:

26 Gross \$ UN/KNOWN Net \$ UNKNOWN

27 4. a. List amount you contribute to your spouse's support: \$ None

28 b. List the persons other than your spouse who are dependent upon you for support

and indicate how much you contribute toward their support. (NOTE: For minor children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).

My Daughter: Age (15) D.G. I'm unable to contribute any thing financially

5. Do you own or are you buying a home? Yes No **

Estimated Market Value: \$ ** Amount of Mortgage: \$ **

6. Do you own an automobile? Yes No **

Make *** Year *** Model ***

Is it financed? Yes No ** If so, Total due: \$ ***

Monthly Payment: \$ *****

7. Do you have a bank account? Yes No ** (Do not include account numbers.)

Name(s) and address(es) of bank: *****

Present balance(s): \$ ** **

Do you own any cash? Yes No *** Amount: \$ ***

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes No ***

8. What are your monthly expenses?

Rent: \$ ** Utilities: **

Food: \$ ** Clothing: ***

Charge Accounts:

Name of Account	Monthly Payment	Total Owed on This Acct.
<u>**</u>	\$ <u>**</u>	\$ <u>**</u>
<u>**</u>	\$ <u>***</u>	\$ <u>**</u>
<u>**</u>	\$ <u>**</u>	\$ <u>**</u>

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable. Do not include account numbers.)

NONE

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10. Does the complaint which you are seeking to file raise claims that have been presented in other lawsuits? Yes No **

Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which they were filed.

I consent to prison officials withdrawing from my trust account and paying to the court the initial partial filing fee and all installment payments required by the court.

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

MARCH 27TH 2008 Robert E Gerkin

DATE

SIGNATURE OF APPLICANT

Case Number: _____

CERTIFICATE OF FUNDS
IN
PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of Robert Eugene Gerkin for the last six months at

[prisoner name]

Folsom State Prison; (Old-Folsom) where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ 0 and the average balance in the prisoner's account each month for the most recent 6-month period was \$ 15.22.

Dated: 3/28/08

Suzanne Smelt

[Authorized officer of the institution]

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIFORNIA STATE PRISON FOLSOM
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: JUL. 01, 2007 THRU MAR. 28, 2008

ACCOUNT NUMBER : J79986
ACCOUNT NAME : GERKIN, ROBERT EUGENE
PRIVILEGE GROUP: A
BED/CELL NUMBER: B5BAT200000034U
ACCOUNT TYPE: I

TRUST ACCOUNT ACTIVITY

DATE	TRAN	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
07/01/2007		BEGINNING BALANCE					40.00
07/23	FC01	DRAW-FAC 1	700374			40.00	0.00
08/17	D300	CASH DEPOSIT	MR4208		35.00		35.00
08/20	W502	POSTAGE CHARG	700868 L			1.48	33.52
08/20	W502	POSTAGE CHARG	700868 L			1.48	32.04
08/20	FC01	DRAW-FAC 1	700894			27.84	4.20
08/21	W516	LEGAL COPY CH	700939 L			4.20	0.00
09/04	D300	CASH DEPOSIT	MR4311		200.00		200.00
09/07	W502	POSTAGE CHARG	701148 L			4.60	195.40
09/07	W502	POSTAGE CHARG	701148 L			4.60	190.80
09/17	W502	POSTAGE CHARG	701322 L			2.84	187.96
09/24	FC01	DRAW-FAC 1	701423			110.00	77.96
10/17	W502	POSTAGE CHARG	701902 L			4.60	73.36
10/22	FC01	DRAW-FAC 1	701993			60.00	13.36
11/07	W502	POSTAGE CHARG	702358 L			0.10	13.26
11/19	FC01	DRAW-FAC 1	702565			13.26	0.00

CURRENT HOLDS IN EFFECT

DATE	PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
03/11/2008		H118	LEGAL COPIES HOLD	704701 L	54.00
03/11/2008		H118	LEGAL COPIES HOLD	704701 L	3.60
03/24/2008		H109	LEGAL POSTAGE HOLD	704912 L	4.60
03/24/2008		H118	LEGAL COPIES HOLD	704914	20.00

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
40.00	235.00	275.00	0.00	82.20	0.00

CURRENT AVAILABLE BALANCE

82.20



THE WITHIN INSTRUMENT IS A CORRECT COPY OF THE TRUST ACCOUNT MAINTAINED BY THIS OFFICE.
ATTEST:
3/28/08
CALIFORNIA DEPARTMENT OF CORRECTIONS
BY TRUST OFFICE

Folsom Prison



THE WITHIN INSTRUMENT IS A CORRECT COPY OF THE TRUST ACCOUNT MAINTAINED BY THIS OFFICE.
ATTEST:
CALIFORNIA DEPARTMENT OF CORRECTIONS

17794
11244
101334
125
176
26
310

PROOF OF SERVICE BY MAIL

I ROBERT EIGENE GERKIN, AM A RESIDENT OF FOLSOM STATE PRISON IN THE COUNTY OF SACRAMENTO, STATE OF CALIFORNIA. I AM OVER THE AGE OF 18 YEARS, AND I AM /AM NOT A PARTY TO THIS ACTION.

MY PRISON NUMBER IS: J-79986

MY PRISON ADDRESS IS; P.O. BOX 950, Folsom, Ca. 95763

APRIL 3rd,
ON MARCH, 2008, I SERVED A COPY OF THE FOLLOWING DOCUMENT:

PRISONER'S APPLICATION
TO PROCEED IN FORMA PAUPERIS

ON THE FOLLOWING PARTIES BY PLACING THE DOCUMENTS IN A SEALED ENVELOPE WITH POSTAGE FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT FOLSOM STATE PRISON (MAILBOX RULE), FOLSOM, CALIFORNIA, ADDRESSED AS FOLLOWS:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
450 Golden Gate Ave.
San Francisco, CA 94102-3483

THERE IS DELIVERY SERVICE BY THE UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND/OR THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

APRIL 3rd,
EXECUTED MARCH, 2008, AT FOLSOM, CALIFORNIA..

Robert E Gerkin
<signature here >

IN J-79986
PRISON
Box 950
ROBERT E. FOLSON 95763

SACRAMENTO CA 95834
04 APR 2008 PM 4:11

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL
FIRST-CLASS MAIL PERMIT NO. 12615 WASHINGTON DC

POSTAGE WILL BE PAID BY UNITED STATES COURTS

US DISTRICT COURT
450 GOLDEN GATE AVE
PO BOX 36060
SAN FRANCISCO CA 94102-9680

CONFIDENTIAL/LEGAL MAIL

Robert E. Gerkin

